REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated February 21, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-12 are pending in the Application. By means of the present amendment, each of claims 1-12 have been amended including for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. By these amendments, claims 1-12 are not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. No new matter is entered by amendment hereby.

Applicant(s) thank(s) the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, claims 6, 7, 8 and 12 are objected to as being improper form, which multiple dependent claims should refer to other claims in the alternative only and/or cannot depend from

any other multiple dependent claims. In response, claims 6, 7, 8 and 12 are amended to remove the informality noted by the Examiner, as well as other informalities, as mentioned above. Accordingly, withdrawal of the objections to claims 6, 7, 8 and 12 is respectfully requested.

In the Office Action, claims 1-5 and 9-11 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,960,447 to Holt (Holt) in view of U.S. Patent No. 6,308,154 to Williams (Williams). It is respectfully submitted that claims 1-5 and 9-11 are patentable over Holt in view of Williams for at least the following reasons.

With respect to the independent claims, it is asserted in the Office Action that Holt discloses a method of processing an audio signal comprising:

receiving an audio signal **[col. 3, lines 2-10]**,

extracting features from the audio signal **[col. 3, lines 2-10]**, and

translating the extracted features into metadata **[col. 3, lines 60-67]**,

the metadata comprising an instruction set of a markup language **[col. 4, lines 1-10]**.

The Office Action then acknowledges the differences between Holt and the independent claims by asserting that Holt does not specifically disclose an instruction set of mark-up language, however alleges that Williams **[col. 3, lines 2-8]** discloses encoding speech attributes using markup language and markup indicators, and that it would have been obvious to modify Holt using markup language, or markup indicators, as taught by Williams, and combining Holt and Williams realizes applicants' method and system of independent claims 1 and 9, respectively. This position is respectfully refuted.

Claims 1 and 9 are amended to qualify that the features extracted from the audio signal are musical features. Applicants respectfully disagree that claims 1 and 9 are obvious under 35 U.S.C. §103(a) over Holt in view of Williams, for at least the following reasons.

Holt is directed to a word tagging and editing system for speech recognition. The Holt system receives recognized speech text from a speech recognition engine and creates tagging information that follows the speech text as it is received by a word processing program or other program. The body of received recognized text to be edited in connection with the word processing

program may be selected and cut and pasted and otherwise manipulated, and the tags follow the speech text. A word may be selected by a user, and the tag information used to point to a sound bite within the audio data file created initially by the speech recognition engine. The sound bite may be replayed to the user through a speaker. The practical results include that the user may confirm the correctness of a particular recognized word, in real time whilst editing text in the word processor (see, Abstract).

Applicants' independent claim recites a method of processing an audio signal comprising receiving an audio signal, extracting musical features from the audio signal, and translating the extracted musical features into metadata, wherein the metadata comprises an instruction set of a markup language.

Holt at col. 3, lines 15-20 states that Holt's user profile 54 contains information relating to the particular speaker, accumulated over time as that particular user's speech is recognized and corrected. Applicants respectfully assert that **user profile 54 containing information relating to a particular speaker is not equivalent to extracting features**, and still less extracting musical features, as claimed.

Holt at col. 3, lines 60-67, states that a tagger editor 62 is provided which receives word text and related information as shown by line 61 (Fig. 2). The word text and related information represents a cluster of data or information which needs to be linked in some manner with the word/text/data as it is put into an external application/system/process such a word processor 56. Applicants respectfully assert that the word text and related information to be linked is not equivalent to "translating extracted musical features into metadata," as claimed.

Williams discloses a method and apparatus for encoding a spoken language, including recognizing a verbal content of the spoken language, measuring an attribute of the recognized verbal content and encoding the recognized and measured verbal content. At col. 3, lines 2-8, Williams discloses that recognized speech elements may be encoded as ASCII characters. Speech attributes may be encoded within an encoding application 36 using a standard mark-up language (e.g., XML, SGML, etc.) and mark-up insert indicators (e.g., brackets).

Encoding recognized speech elements as ASCII characters, or by use of encoding application 36 using standard markup language is not equivalent to "metadata comprising extracted musical features

as an instruction set of markup language."

Applicants respectfully assert, therefore, that Holt does not disclose or suggest extracting musical features from the audio signal, and translating the extracted musical features into metadata, as claimed. Applicants further assert that Williams does not make up for the deficiencies of Holt, nor does Williams disclose that the metadata (i.e., the translation of extracted musical features) comprises an instruction set of a markup language. Hence, Holt and Williams combined do not realize a method or system as set forth in applicants' independent claims.

Applicants assert, therefore, that independent claims 1 and 9 are not obvious under 35 U.S.C. §103(a) over Holt in view of Williams, and are allowable. Claims 2-5 depend from independent claim 1 and are allowable therewith; claims 10 and 11 depend from independent claim 9 and are allowable therewith. Hence, applicants respectfully request withdrawal of the rejection of claims 1-5, and 9-11 under section 103(a) over Holt in view of Williams, and allowance of each of pending claims 1-12.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of

argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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May 21, 2008

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